

### **REMARKS**

New claims 56-63 are added. The new claims are supported by exemplary embodiments of the invention disclosed by the originally-filed application at, for example, Figs. 3-7. Claim 50 is amended. The amendment language is supported by exemplary embodiments of the invention disclosed by the originally-filed application at, for example, pages 5-12.

Claims 40-47 and 51-55 are allowed.

Claims 48-50 are rejected under 35 U.S.C. 102(b) as being anticipated by Dennison (US/5,637,523). During an interview with Examiner Kebede on August 15, 2005, the Examiner confirmed that the last sentence of page 2 of the pending Action (paper no. 20050417) should have "38" immediately following the recitation to "contact opening", and that "18" should immediately follow the recitation to "conductive line."

Independent claim 48 recites forming a conductive line over a substrate, the conductive line having a conductive portion and silicon nitride material over the conductive portion, and **silicon oxide material** over the silicon nitride material; and forming **encapsulation material** over the conductive line. To allegedly teach the two positively recited materials of **silicon oxide material** and **encapsulation material**, the Examiner improperly relies on Dennison's teachings to **one material**, insulating dielectric layer 30, to allegedly teach both positively recited materials (pg. 2 of paper no. 20050417). However, claim 50 recites two forming steps wherein one step forms the conductive line having the silicon oxide material and another step forms the encapsulation material over the conductive line including the silicon oxide material. A single material may not be fairly interpreted to disclose material formed by two different steps. The Examiner is respectfully

reminded that the Federal Circuit Court has provided requirements of a §102 anticipation. "A claim is anticipated only if each and every element as set forth in the claim is found ... in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131 (8<sup>th</sup> ed. revision no. 2). The Examiner has not found each and every element positively recited in claim 48, and therefore, pursuant to the above authority, the anticipation rejection must fail. Claim 48 is allowable.

Claims 49 and 56-61 depend from independent claim 48, and therefore, are allowable for the reasons discussed above with respect to the independent claim, as well as for their own recited features which are not shown or taught by the art of record.

For example, claim 49 recites **gas diffusion doping** through the doping window opening into the substrate active area with a p-type impurity. Dennison teaches **out-diffusion** wherein a polysilicon layer 40 against a substrate<sup>12</sup> is heated to drive dopants from the polysilicon layer 40 into substrate region 15 (col. 4, Ins. 25-35; Fig. 5). **Out-diffusion is not gas diffusion**. Gas diffusion is a process where dopants are provided in a gas over a substrate and then the gas is heated to drive the dopants from the gas into the substrate (e.g., as claimed, gas diffusion doping **through the doping window** opening into the substrate). There is no doping window opening taught by Dennison's out-diffusion because the diffusion occurs between the interface between the polysilicon layer 40 and substrate region 15 (Fig. 5). Accordingly, Dennison fails to teach or suggest **gas diffusion doping** as positively recited in claim 49, and therefore, claim 49 is allowable. Moreover, Dennison fails to teach or suggest **doping through the doping window opening** as positively recited in claim 49, and therefore, claim 49 is allowable for this additional reason.


Regarding the anticipation rejection against claim 50 based on Dennison, such claim recites forming encapsulation material over the silicon oxide layer, the silicon nitride layer and the conductive word line, the encapsulation material forming sidewall spacers over the conductive word line. The Examiner relies on Dennison's teaching to photoresist 32 to allegedly teach the positively recited encapsulation material. However, an entirety of photoresist 32 is formed elevationally above gate line 18, and therefore, in no fair or reasonable interpretation does the photoresist 32 teach or suggest forming sidewall spacers over the conductive word line. Accordingly, Dennison fails to teach or suggest the encapsulation material forming sidewall spacers over the conductive word line as positively recited by claim 50, and therefore, claim 50 is allowable.

Claims 62-63 depend from independent claim 50, and therefore, are allowable for the reasons discussed above with respect to the independent claim, as well as for their own recited features which are not shown or taught by the art of record.

This application is now believed to be in immediate condition for allowance, and action to that end is respectfully requested. If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview prior to issuance of any such subsequent action.

Respectfully submitted,

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